

JUL 05 2007

Attorney Docket No. AOL0024C

U.S. Serial No. 10/773,064

REMARKS

1. Applicant thanks the Examiner for pointing out the allowable subject matter of claims 5, 16 and 27.

Applicant notes that it would have liked to schedule a telephone interview with the Examiner prior to responding but was unable to do so due to the Examiners unavailability resulting from an extended leave. Applicant failed to receive a response to a voice mail message to SPE Field on June 20. Applicant thus has been effectively deprived of its right to an interview to discuss the Office Action. Applicant therefore reserves the right to schedule a telephone interview with the Examiner to discuss its concerns after the present amendment and response is filed. Pending the outcome of the interview, Applicant will file a supplement to the present amendment.

2. CLAIM OBJECTIONS

Claim 22 is amended to correct the defect noted.

3. 35 U.S.C. § 102

""A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1989)." "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimum verbis* test, i.e. identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)." MPEP § 2131 (Emphasis added).

Claims 4, 6-11, 17-22, 26 and 28-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,212,175 ("Harsch").

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Claim 34: The Examiner relies on Harsch, col. 10, lines 35-46 as teaching "providing a plurality of reserved routing codes for exchanging messages between users and mobile devices." Applicant respectfully disagrees. The cited portion of Harsch describes a "data field" – in other words, the body of the message.

The cited portion additionally describes a CRC (cyclic redundancy code) field. The ordinarily-skilled practitioner would readily recognize the CRC as an exceedingly common error-checking means used to detect accidental alteration of data during transmission or storage. Thus, the CRC is not a routing code. It has nothing to do with routing. Its function in general, and particularly as it relates to Harsch is a data integrity check. Furthermore, a CRC is not a reserved code. Rather, the CRC is determined from the underlying data in much the same way that a *checksum* is. Harsch also contains the same description of a cyclic redundancy code in col. 13, at lines 35-36 in relation to fig. 8. Accordingly, there is no teaching in the cited portion of Harsch of "providing a plurality of reserved routing codes for exchanging messages between users and mobile devices."

The Examiner next relies on Harsch, col. 10, lines 21-46 as teaching "in response to receiving a message from the user directed to the mobile device, temporarily associating one of the routing codes with the user." As above, there is no teaching in Harsch, col. 10, lines 35-46 of routing codes.

Harsch, at col. 10, lines 31-32 does describe assignment of a temporary address or identification code by the server. Applicant first notes that Harsch indicates that the header may include the temporary address. Thus, it appears that the temporary address is an optional feature of Harsch. Additionally, Application notes that although Harsch promises to discuss the temporary address in greater detail, such description is not provided. Thus, nothing else is said anywhere in Harsch about what function the temporary address serves. It is not at all clear which of the entities, if any, the address is associated with: is the address associated with the message itself, or the server, or the sender of the message or the recipient? It cannot be deduced from the cursory description of the temporary address given in Harsch.

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The Examiner next relies on Harsch, col. 10, lines 21-46 as teaching "including the temporarily assigned routing code in the message as a reply address." Applicant respectfully disagrees. As above, nothing is said anywhere in Harsch as to the function of the temporary address. It is unlikely that the temporary address is included in the message as a reply address because the header already contains both a source address and a destination address field (col. 10, lines 24-25.)

There is, therefore, no teaching in Harsch of the subject matter of claim 34. Claim 34 is therefore deemed allowable over Harsch. In view of their dependence from an allowable parent, claims depending from claim 34 are also deemed allowable without any separate consideration of their merits. Nevertheless, Applicant provides the following comments regarding the independent claims:

Claim 35: The Examiner relies on Harsch, col. 10, lines 21-46 as teaching "receiving a reply message from the mobile device directed to the temporarily associated routing code; and

transmitting the reply message to the user." In fact, there is no teaching anywhere in Harsch that describes the exchange of messages between a user and a mobile unit. Col. 11 describes the wireless station making a connection to a network. Otherwise, the bulk of Harsch's specification is devoted to describing sending of keepalive packets from the wireless unit to a host computer. As above, there is nothing in Harsch that describes to what use the temporary address is put. In fact, there is no description.

Claim 4: The Examiner relies on Harsch, col. 10, lines 21-46 as teaching "wherein said messages comprise instant messages." Applicant respectfully disagrees. As shown in fig. 5 and 6, and described at col. 10, line 45 to col. 12, line 42, a telnet session is established with a remote host. There is no mention anywhere in Harsch of exchanging instant messages of the instant messaging protocol.

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Claim 6: The Examiner relies on Harsch, col. 10, lines 21-46 as teaching:
"sending a message to said mobile device by said user;
receiving said message at said instant messaging system;
capturing said user's personal identifier by an instant messaging system;
assigning a routing code to said user's personal identifier; and
sending said message to said mobile device." Applicant respectfully
disagrees. As previously discussed, there is no teaching in Harsch that a routing
code or temporary address is associated with a user's personal identifier.

Claim 7: The Examiner relies on Harsch, col. 10, lines 21-46 as teaching:
"receiving a message at said mobile device from said user, wherein said user's
personal identifier has previously been associated with a routing code; and
replying to said received message by means of a 'reply' function on said
mobile unit." As above, there is no teaching in Harsch that a user's personal
identifier is associated with a routing code. Further, there is no teaching in
Harsch that a reply is sent to a user from a mobile unit by means of a 'reply'
function on the mobile unit.

Claim 8: The Examiner relies on Harsch, col. 10, lines 21-46 as teaching:
"wherein assignment of a routing code to said user persists for the
duration of a user session." As above, there is no teaching in Harsch that a
routing code is associated with a user.

Claim 9: The Examiner relies on Harsch, col. 10, lines 21-46 as teaching:
"wherein routing codes for assignment are recycled during a user session if the
number of users exceeds the routing codes available." As above, there is no
teaching in Harsch that a routing code is associated with a user, and there is
absolutely no mention anywhere in the reference that the temporary address is
recycled for any reason.

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Claim 10: The Examiner relies on Harsch, col. 10, lines 21-46 as teaching: "preventing occurrence of a condition wherein different users are associated with the same routing code." As above, there is no teaching in Harsch that a routing code is associated with a user; and there is certainly no description of any measures taken to prevent assignment of the same temporary address to different users at the same time.

Claim 11: The Examiner relies on Harsch, col. 10, lines 21-46 as teaching: "delaying delivery of a message from said user pending confirmation of a mobile user's interest in receiving said message; and providing sufficient routing codes that recycling of codes is unlikely to be necessary."

As above, there is no teaching in Harsch that a routing code is associated with a user; and there is no description of any measures taken to prevent assignment of the same temporary address to different users at the same time; and there is specifically no description of two particular measures described in claim 11.

Claim 36: The above remarks regarding claim 34 and its dependents apply equally to claim 36 and its dependents.

Claim 38: The above remarks regarding claim 34 and its dependents apply equally to claim 36 and its dependents.

4. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

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CONCLUSION

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In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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